IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 989 of 2004 (M/B)

1. Smt. Beena W/o Late Om Singh,
   R/o Bhabhotawal Bagh, Tibri Water Works,
   Ranipur, Haridwar.
2. Babu Singh S/o Late Ganga Saran,
   R/o Bhabhotawal Bagh, Tibri Water Works,
   Ranipur, Haridwar. …….. Petitioners

Versus

State of Uttaranchal & others. …….. Respondents

Mr. A.K. Joshi, learned counsel on behalf of the petitioners.
Learned Government Advocate for the State.
Mr. B.M. Pingal, Advocate holding brief of Mr. Vivek Shukla, learned counsel on behalf of respondent No. 3.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. A.K. Joshi, learned counsel appearing on behalf of the petitioners, Mr. B.M. Pingal, Advocate holding brief of Mr. Vivek Shukla, learned counsel, who accepted the notice on behalf of respondent No. 3 and learned Government Advocate, who accepted the notice on behalf of respondents No. 1 & 2.

2. This is a writ petition for quashing the First Information Report dated 03.09.2004. Mr. A.K. Joshi, learned counsel is allowed to withdraw this writ petition. However, in the circumstance, we direct the petitioners to surrender before the concerned Magistrate and to apply for bail. If such bail application is filed by the petitioners, it shall be decided on the same say by the concerned Magistrate.

3. Accordingly, the writ petition is disposed of as withdrawn.

(Irshad Hussan, J.) **(V.S. Sirpurkar, C.J.)**
06.10.2004 **06.10.2004**

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